

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

V.

Texas Instruments, Inc., *et al.*,

Defendant.

Case No. 6:12-cv-499 MHS

Jury Trial Demanded

**Declaration of Scott Moskowitz in Support of Plaintiff Blue Spike
LLC's Opposition to Defendant ImageWare Systems, Inc.'s Motion to
Transfer Venue**

I, Scott Moskowitz, declare as follows:

1. I am the Chief Executive Officer of Blue Spike LLC, a Texas limited liability company.
2. I am one of the inventors of all four patents-in-suit.
3. I am domiciled at 433 S. Chilton Avenue, Unit 3, Tyler, Texas 75702. I also own a condominium in Florida, where I live part time in order to receive medical treatments that I cannot receive elsewhere.
4. Blue Spike has its headquarters and principal place of business at 1820 Shiloh Road, Suite 1201C, Tyler, Texas 75703. Blue Spike was formed more than 10 months ago.
5. Blue Spike's computer servers, and sources of proof are located in Tyler, Texas.
6. Blue Spike plans to call witnesses from Texas, including me.
7. Blue Spike has no offices, no employees, no customers, and no other meaningful contacts in the Southern District of California.

8. Litigating this action in the Southern District of California would be very difficult for me due to my medical condition.

9. Litigating this action in the Southern District of California would be extremely inconvenient, expensive, and burdensome for Blue Spike.

10. A transfer would dramatically increase the costs of litigation for Blue Spike, would increase the amount of time that Blue Spike's witnesses and employees would have to spend litigating the case, and would cause serious hardship for me personally, as I suffer from a medical condition that makes it very painful to travel long distances.

11. I have never traveled to California to meet with members of Blue Spike's legal team, some of whom have offices in the San Francisco Bar Area and others who have their offices in Texas. The only meetings related to this litigation that Blue Spike employees and I have attended have all taken place in Tyler, Texas.

12. I have not traveled to the Southern District of California since at least 2003.

I declare, on January 24, 2013, in Tyler, Texas and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Scott Moskowitz
Scott Moskowitz